

REMARKS

This paper is filed in response to the advisory action mailed April 30, 2008, and the final action mailed November 13, 2007, in which claims 1, 3-15, and 18-23 were pending with claims 5, 6, 9, 15, and 20-23 being withdrawn. By this amendment, claims 1 and 13 are amended in view of the examiner's remarks in the advisory action. Support for the amendments to claims 1 and 13 may be found in the specification and claims as originally filed. For example, support may be found at least in Figs. 1 and 2 and at page 3, lines 12-14 as originally filed. No new matter is added.

This paper is timely filed as it is accompanied by a Request for Continued Examination (RCE) and the required fee. A petition for a three month extension of time and the required fee was previously filed on April 15, 2008.

35 U.S.C. § 103 Rejections

The applicants respectfully traverse the rejection of claims 1, 3, 4, 7, 8, 10-14, 18, and 19 as obvious over U.S. Patent No. 6,745,897 to Barber ("Barber") in view of U.S. Patent No. 5,485,922 to Butcher ("Butcher"). "All words in a claim must be considered in judging the patentability of the claim against the prior art." M.P.E.P. § 2143.. Each of claims 1, 3, 4, 7, 8, 10-14, 18, and 19 recites a storage container comprising, in part, a first cover section comprising a substantially flat writing surface that is recessed below a portion of an outer surface of the first cover section." For example, see Fig. 1 of the instant application below where the writing surface is identified by reference numeral 26:

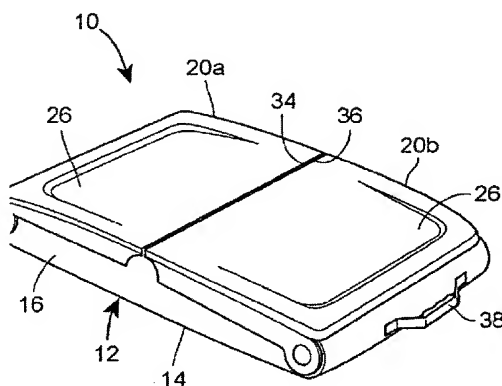
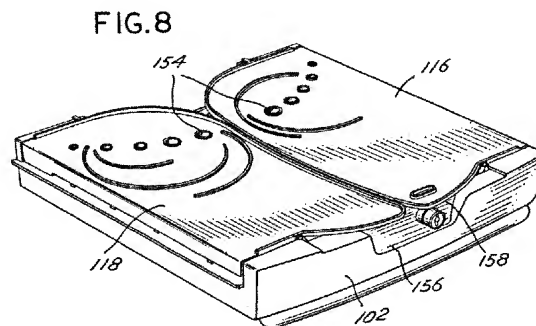


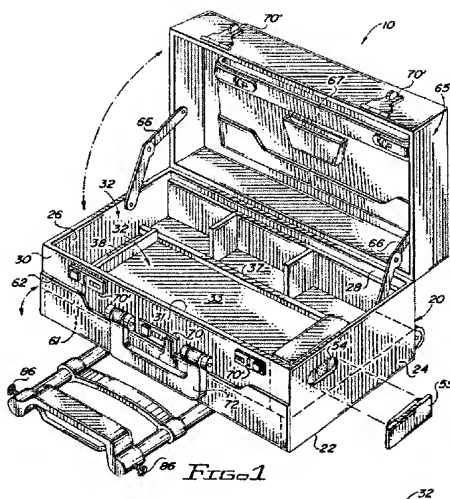
FIG. 1

Barber does not disclose or suggest a substantially writing surface that is recessed below an outer surface of a cover, nor was Barber cited as disclosing such an element. As seen below in Fig. 8 of Barber, the covers 116, 118 do not include any substantially flat surfaces that are recessed below a portion of an outer surface of the covers 116, 118. The circular features identified by reference numeral 154 are “holes 154 [that] may be provided in the platforms 116, 118 for ventilation and the flow of air into the case.” See Barber, col. 6, lines 61-63. The holes 154 cannot be considered writing surfaces of any sort. Moreover, there is no teaching or suggestion in Barber to provide a substantially flat writing surface that is recessed below a portion of an outer surface of the covers.



As a result, Barber fails to disclose or suggest a first cover section having a substantially flat writing surface that is recessed below a portion of an outer surface of the first cover section, as is recited by each of claims 1, 3, 4, 7, 8, 10-14, 18, and 19.

Like Barber, Butcher fails to disclose or suggest a cover having a substantially flat writing surface that is recessed below a portion of an outer surface of the cover. Butcher discloses a portable computer case including a main housing 20 and a lid 65 attached to the main housing 20. However the lid 65 of Butcher does not include a substantially flat writing surface that is recessed below a portion of an outer surface of the lid 65. See Butcher, Fig. 1 below. Thus, Butcher fails to disclose or suggest a cover section having an exterior surface comprising a substantially flat writing surface that is recessed below a portion of an outer surface of a cover section, as is recited by each of claims 1, 3, 4, 7, 8, 10-14, 18, and 19.



Because Barber and Butcher both fail to disclose or suggest a cover section a substantially flat writing surface that is recessed below a portion of an outer surface of a cover section, as is recited by each of claims 1, 3, 4, 7, 8, 10-14, 18, and 19, none of claims 1, 3, 4, 7, 8, 10-14, 18, and 19 can be rendered obvious by any combination thereof. Thus, the applicants respectfully request withdrawal of the rejection of claims 1, 3, 4, 7, 8, 10-14, 18, and 19.

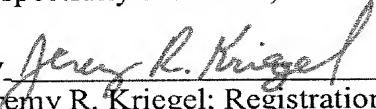
The substantially flat writing surface, that is recessed below a portion of an outer surface of the cover section, recited in claims 1, 3, 4, 7, 8, 10-14, 16, 18, and 19 restricts lateral movement of writing instruments and/or substrates placed on the recessed writing surface. This is especially useful when a user is using the storage container as a lap-top desk, for example, while sitting in a waiting area. Thus, the claimed storage container is an improvement over the cited art.

Conclusion

The applicants respectfully request reconsideration of claims 1, 3, 4, 7, 8, 10-14, 18, and 19. An RCE and the required fee is enclosed. No other fees are believed due. However, if there are any fees (or refunds) required, the Commissioner is directed to charge (or credit) Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP.

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Respectfully submitted,

By 
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